



House of Representatives

General Assembly

File No. 174

January Session, 2013

House Bill No. 6407

House of Representatives, March 26, 2013

The Committee on General Law reported through REP. BARAM of the 15th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE ASSAULT OF A LIQUOR CONTROL AGENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-167c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) A person is guilty of assault of public safety, emergency medical,
4 public transit or health care personnel when, with intent to prevent a
5 reasonably identifiable peace officer, special policeman appointed
6 under section 29-18b, motor vehicle inspector designated under section
7 14-8 and certified pursuant to section 7-294d, firefighter or employee of
8 an emergency medical service organization, as defined in section 53a-3,
9 emergency room physician or nurse, health care employee as defined
10 in section 19a-490q, employee of the Department of Correction,
11 member or employee of the Board of Pardons and Paroles, probation
12 officer, employee of the Judicial Branch assigned to provide pretrial
13 secure detention and programming services to juveniles accused of the
14 commission of a delinquent act, liquor control agent, employee of the

15 Department of Children and Families assigned to provide direct
16 services to children and youths in the care or custody of the
17 department, employee of a municipal police department assigned to
18 provide security at the police department's lockup and holding facility,
19 active individual member of a volunteer canine search and rescue
20 team, as defined in section 5-249, or public transit employee from
21 performing his or her duties, and while such peace officer, special
22 policeman, motor vehicle inspector, firefighter, employee, physician,
23 nurse, health care employee, member, liquor control agent, probation
24 officer or active individual member is acting in the performance of his
25 or her duties, (1) such person causes physical injury to such peace
26 officer, special policeman, motor vehicle inspector, firefighter,
27 employee, physician, nurse, member, liquor control agent, probation
28 officer or active individual member, or (2) such person throws or hurls,
29 or causes to be thrown or hurled, any rock, bottle, can or other article,
30 object or missile of any kind capable of causing physical harm, damage
31 or injury, at such peace officer, special policeman, motor vehicle
32 inspector, firefighter, employee, physician, nurse, member, liquor
33 control agent, probation officer or active individual member, or (3)
34 such person uses or causes to be used any mace, tear gas or any like or
35 similar deleterious agent against such peace officer, special policeman,
36 motor vehicle inspector, firefighter, employee, physician, nurse,
37 member, liquor control agent, probation officer or active individual
38 member, or (4) such person throws or hurls, or causes to be thrown or
39 hurled, any paint, dye or other like or similar staining, discoloring or
40 coloring agent or any type of offensive or noxious liquid, agent or
41 substance at such peace officer, special policeman, motor vehicle
42 inspector, firefighter, employee, physician, nurse, member, liquor
43 control agent, probation officer or active individual member, or (5)
44 such person throws or hurls, or causes to be thrown or hurled, any
45 bodily fluid including, but not limited to, urine, feces, blood or saliva
46 at such peace officer, special policeman, motor vehicle inspector,
47 firefighter, employee, physician, nurse, member, liquor control agent,
48 probation officer or active individual member. For the purposes of this
49 section, "public transit employee" means a person employed by the

50 state, a political subdivision of the state, a transit district formed under
51 chapter 103a or a person with whom the Commissioner of
52 Transportation has contracted in accordance with section 13b-34 to
53 provide transportation services who operates a vehicle or vessel
54 providing public rail service, ferry service or fixed route bus service or
55 performs duties directly related to the operation of such vehicle or
56 vessel.

57 (b) Assault of public safety, emergency medical, public transit or
58 health care personnel is a class C felony. If any person who is confined
59 in an institution or facility of the Department of Correction is
60 sentenced to a term of imprisonment for assault of an employee of the
61 Department of Correction under this section, such term shall run
62 consecutively to the term for which the person was serving at the time
63 of the assault.

64 (c) In any prosecution under this section involving assault of a
65 health care employee, as defined in section 19a-490q, it shall be a
66 defense that the defendant is a person with a disability as described in
67 subdivision (13), (15) or (20) of section 46a-51 and the defendant's
68 conduct was a clear and direct manifestation of the disability.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2013	53a-167c
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GL *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Judicial Dept.	GF - Potential Revenue Gain	Less than \$10,000	Less than \$10,000

Municipal Impact: None

Explanation

The bill results in a minimal potential revenue gain by adding liquor control agents into the protected classification, which allows for assault on a person to be charged with a class C felony. While there are a substantial number of violations for this statute (over 1,000 in FY 12), very few end with convictions and fines. The total fine revenue collected in FY 12 was \$5,000 for one convicted offense.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Judicial Department Offenses and Revenue Database

OLR Bill Analysis**HB 6407*****AN ACT CONCERNING THE ASSAULT OF A LIQUOR CONTROL AGENT.*****SUMMARY:**

This bill makes assault of a liquor control agent a class C felony (punishable by one to 10 years in prison, a fine of up to \$10,000, or both), the same penalty as for assault of public safety, emergency medical, and public transit personnel, among others. A person commits this crime by assaulting a reasonably identifiable liquor control agent performing his or her duties, with intent to prevent the agent from performing them, by doing any of the following to the agent:

1. causing injury;
2. throwing objects capable of causing harm;
3. using tear gas, mace, or a similar harmful agent;
4. throwing paint, dye, or any other offensive substance; or
5. throwing bodily fluid, such as feces, blood, or saliva.

Current law does not have the specific crime of assault of a liquor control agent. Generally, assaults are punishable, depending on the conduct, by penalties ranging from a class A misdemeanor (up to one year in prison, a fine of up to \$2,000, or both) to a class A felony (punishable by 10 to 25 years in prison, a fine of up to \$20,000, or both).

EFFECTIVE DATE: October 1, 2013

BACKGROUND

Liquor Control Agents

Department of Consumer Protection liquor control agents conduct investigations and enforce the civil and licensing portions of the Liquor Control Act. In addition, agents provide training and assistance to local and state police officers on criminal aspects of liquor law enforcement.

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 14 Nay 4 (03/12/2013)